



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,619	07/22/2003	Mahesh Balu Mistry	15772.0006	5053

23517 7590 10/05/2005

SWIDLER BERLIN LLP
3000 K STREET, NW
BOX IP
WASHINGTON, DC 20007

EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
----------	--------------

3637

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

KL

Office Action Summary

Application No.

10/623,619

Applicant(s)

MISTRY ET AL.

Examiner

Hanh V. Tran

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8-11, 14-16, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 3-7, 12, 13, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application.

Claim Objections

2. Claims 3-7 are objected to because of the following informalities: (1) claim 3, line 3, "vent means" should be "venting means", (2) claim 4, line 1, "divert means" should be "diverting means". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8-10, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0046853 to Stendardo et al.

Stendardo et al discloses a wall-mounted cabinet comprising all the elements recited in the above listed claims including a first component, a second component 122 detachably and pivotally connected to the first component, and being pivotally movable between a first, closed position and a second, detached position; an interior space formed by the first and second components when disposed in the first, closed position; venting means for venting air from the interior space, diverting means, disposed in spaced relation to the venting means, for diverting water passing through the venting

Art Unit: 3637

means away from the interior space, such as shown in Figs 5-10, and a latch 148 adapted to hold the first and second components in the closed position.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-2, 8-11, 14-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 2000332438 to Shiosaki et al in view of USP2,656,948 to McGee.

Shiosaki et al discloses a wall-mounted cabinet comprising all the elements recited in the above listed claims including a first component 3, a second component 2 detachably connected to the first component; an interior space formed by the first and second components when disposed in the first, closed position; venting means 6 for venting air from the interior space; diverting means 9-11, 13, disposed in spaced relation to the venting means, for diverting water passing through the venting means

Art Unit: 3637

away from the interior space, such as shown in Fig 3, spacer means 15-16 formed in the back wall. The differences being that Shiosaki et al does not clearly disclose the second component 2 being pivotally connected to the first component to move between a first, closed position and a second, detached position, a latch adapted to hold the first and second components in the closed position, and a detachable pivot structure having a first portion disposed in either of the first and second components, and a second complementary portion disposed in the other of the first and second components, wherein the first portion is a pair of mounting brackets disposed at an upper portion of the first component, and the second portion is a pair of pivot pins disposed at an upper portion of the second component, wherein each mounting bracket includes a horizontally disposed upper edge and a notch formed in each upper edge, wherein the pivot pins are received in the notches of corresponding mounting brackets.

McGee teaches the idea of a wall-mounted cabinet comprising a second component 17 being pivotally connected to a first component 10 to move between a first, closed position and a second, detached position; a latch 39 adapted to hold the first and second components in the closed position, and a detachable pivot structure having a first portion disposed in the first component, and a second complementary portion disposed in the second component, wherein the first portion is a pair of mounting brackets 19, such as shown in Fig 3, disposed at an upper portion of the first component, and the second portion is a pair of pivot pins 23 disposed at an upper portion of the second component, wherein each mounting bracket includes a horizontally disposed upper edge and a notch 24 formed in each upper edge, wherein

Art Unit: 3637

the pivot pins 23 are received in the notches 24 of corresponding mounting brackets; wherein the pivot/hinge structure facilitates gaining easy access to the interior of the cabinet. Therefore, it would have been obvious to modify the structure of Shiosaki et al by providing the second component 2 being pivotally connected to the first component to move between a first, closed position and a second, detached position, a latch adapted to hold the first and second components in the closed position, and a detachable pivot structure having a first portion disposed in either of the first and second components, and a second complementary portion disposed in the other of the first and second components, wherein the first portion is a pair of mounting brackets disposed at an upper portion of the first component, and the second portion is a pair of pivot pins disposed at an upper portion of the second component, wherein each mounting bracket includes a horizontally disposed upper edge and a notch formed in each upper edge, wherein the pivot pins are received in the notches of corresponding mounting brackets in order to facilitate gaining easy access to the interior of the cabinet, as taught by McGee, since both teach alternate conventional wall-mounted cabinet structure, used for the same intended purpose for housing electrical devices, thereby providing structure as claimed.

Allowable Subject Matter

8. Claims 3-7, 12-13, and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kubota, Abroy et al, Hendrix, Batrone et al, Palandrani, Kobryner, Dean et al, Kondo et al, Shinohara, and Takahashi all show structures similar to various elements of applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT
October 1, 2005


Hanh V. Tran
Art Unit 3637